

# **EXHIBIT 16**

**In the Matter Of:**

*In Re - Google Antitrust Litigation*

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*SCOTT SHEFFER*

*July 20, 2021*

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<p>1 2 3 ----- 4 IN RE: 5 GOOGLE ANTITRUST LITIGATION 6 60-516110-0009 7 ----- 8 9 10 11 12 13 HIGHLY CONFIDENTIAL 14 REMOTE DEPOSITION OF SCOTT SHEFFER 15 JULY 20, 2021 - 9:00 A.M. 16 17 18 19 20 21 22 23 24 25 JOB NO. 2021-803084</p>	<p>1 2 3 REMOTE APPEARANCES: 4 5 FOR THE UNITED STATES DEPARTMENT OF JUSTICE: 6 UNITED STATES DEPARTMENT OF JUSTICE 7 ANTITRUST DIVISION 8 BY - NICHOLAS CHEOLAS, ESQ. 9 BY - ARSHIA NAJAFI, ESQ. 10 BY - SEUMAS MACNEIL, ESQ. 11 BY - GEORGE (CHIP) NIERLICH, ESQ. 12 BY - JOHN HOGAN, ESQ. 13 450 Fifth Street, NW 14 Washington, DC 20530 15 16 FOR GOOGLE, INC.: 17 AXINN VELTROP AND HARKRIDER 18 BY - DAVID PEARL, ESQ. 19 114 West 47th Street 20 New York, New York 10036 21 22 FOR GOOGLE AND WITNESS: 23 FRESHFIELDS BRUCKHAUS DERINGER LLP 24 BY - TOM ENSIGN, ESQ. 25 BY - TYLER GARRETT, ESQ. 26 601 Lexington Ave, 31st Floor 27 New York, NY 10022</p>
<p>1 2 3 4 5 6 JULY 20, 2021 7 9:00 A.M. 8 9 10 11 REMOTE DEPOSITION of SCOTT SHEFFER, 12 before S. Arielle Santos, Certified Court 13 Reporter, Certified LiveNote Reporter and Notary 14 Public. 15 16 17 18 19 20 21 22 23 24 25</p>	<p>1 2 3 4 ALSO PRESENT: 5 6 JEFF QIU, Economist, DOJ 7 SHAUDY DANAYE-ARMSTRONG, ESQ., In-House, Google 8 ALEXANDER BERGERSEN, ESQ., In-House, Google 9 DAVID BASSALI, Summer Intern, DOJ 10 LEAH SAMUEL, Summer Intern, DOJ 11 ZACHARY SORENSON, Summer Intern, DOJ 12 RYAN LAFOND, Lexitas Monitor 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

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<p>6</p> <p>1 SCOTT SHEFFER - HIGHLY CONFIDENTIAL</p> <p>2 THE VIDEOGRAPHER: Good</p> <p>3 morning. We are now on the record.</p> <p>4 Today's date is July 20, 2021.</p> <p>5 Time on the record is 9:07 a.m.</p> <p>6 Pacific time.</p> <p>7 This is the video deposition</p> <p>8 of Scott Sheffer in the Matter of</p> <p>9 Google 60-516110-0009.</p> <p>10 This deposition is taking</p> <p>11 place via web videoconference with</p> <p>12 all participants attending</p> <p>13 remotely. My name is Ryan LaFond.</p> <p>14 I am the videographer. Our court</p> <p>15 reporter today is Arielle Santos.</p> <p>16 We represent Lexitas Legal.</p> <p>17 Will the court reporter please</p> <p>18 swear in the witness.</p> <p>19</p> <p>20 SCOTT SHEFFER, Testifies under penalty of</p> <p>21 perjury as follows:</p> <p>22</p> <p>23 THE WITNESS: I do.</p> <p>24</p> <p>25 EXAMINATION</p>	<p>8</p> <p>1 SCOTT SHEFFER - HIGHLY CONFIDENTIAL</p> <p>2 been deposed before?</p> <p>3 A I have not.</p> <p>4 Q Have you ever testified at</p> <p>5 trial before?</p> <p>6 A No.</p> <p>7 Q So I've got a few -- we will</p> <p>8 start with a few housekeeping items, which</p> <p>9 are a little different in the era of</p> <p>10 virtual depositions, and then we will go</p> <p>11 over some ground rules.</p> <p>12 Does that sound okay to you?</p> <p>13 A That sounds fine.</p> <p>14 Q All right. So it's a virtual</p> <p>15 deposition. Inevitably, we will have a</p> <p>16 technical issue. If we do, we will take a</p> <p>17 break, go off the record, and resolve that</p> <p>18 tech issue.</p> <p>19 Does that sound okay?</p> <p>20 A That sounds great.</p> <p>21 Q If you have any issues on</p> <p>22 your end, just let us know. Again, we</p> <p>23 will take a break and go off the record.</p> <p>24 Agree?</p> <p>25 A Yes.</p>

<p style="text-align: right;">21</p> <p>1 <b>SCOTT SHEFFER - HIGHLY CONFIDENTIAL</b>  2 <b>provided by Google and the mobile phone,</b>  3 <b>any other electronic devices that you used</b>  4 <b>in the course of your employment at</b>  5 <b>Google?</b>  6 A The only other is I was  7 issued a Macintosh to do this deposition,  8 so I am using it for that. But that  9 was -- I started using this, like,  10 three days ago.  11 <b>Q What software do you use in</b>  12 <b>the course of your day-to-day duties?</b>  13 A So on the Pixelbook, it's a  14 Chromebook, so it's all web-browser based.  15 And I typically spend most of my time  16 either in e-mail; so Gmail or calendars,  17 Google Documents, Google Drive. So all of  18 our enterprise document software  19 presentations, spreadsheets, that kind of  20 thing.  21 And then I spend a fair  22 amount of time on videoconferences. So I  23 guess that's like Google Meet/Google  24 Hangouts.  25 <b>Q Do you use any instant</b></p>	<p style="text-align: right;">23</p> <p>1 <b>SCOTT SHEFFER - HIGHLY CONFIDENTIAL</b>  2 chat feature within Gmail, which I think  3 is -- to be honest, I can't remember  4 whether it's called Google Hangouts or  5 Google Meet or Google Chat these days. I  6 have been there so long, it's just chat to  7 me.  8 <b>Q But ping is something within</b>  9 <b>the context of the instant messaging</b>  10 <b>system that you use?</b>  11 A Yeah. It's a euphemistic  12 term that we use to describe getting in  13 touch with someone.  14 <b>Q Do you know what an</b>  15 <b>on-the-record chat is?</b>  16 A It's when you set the chat to  17 be on the record, which I think is not the  18 default.  19 <b>Q And it's a lead to my next</b>  20 <b>question. Do you know what an</b>  21 <b>off-the-record chat is?</b>  22 A I think that is the default  23 setting in chat.  24 <b>Q So if you're communicating</b>  25 <b>with your colleagues at Google in Gchat,</b></p>
<p style="text-align: right;">22</p> <p>1 <b>SCOTT SHEFFER - HIGHLY CONFIDENTIAL</b>  2 <b>messaging programs?</b>  3 A Just Google -- whatever the  4 Google Chat feature is within Gmail.  5 <b>Q Does that Google Chat feature</b>  6 <b>within Gmail have a recording mechanism at</b>  7 <b>all?</b>  8 A I think it does, yes.  9 <b>Q Is that an optional</b>  10 <b>mechanism?</b>  11 A It is an optional mechanism,  12 I think. I just have it on whatever the  13 default is.  14 <b>Q Are you familiar with</b>  15 <b>something called ping?</b>  16 A Yes. Yes.  17 <b>Q What is ping?</b>  18 A Ping is when someone opens  19 the chat feature and sends you a message,  20 saying, hey are you there, or something  21 like that.  22 <b>Q When you say "opens the chat</b>  23 <b>feature," is that the chat feature within</b>  24 <b>Google Chat?</b>  25 A Well, for me, it's mostly the</p>	<p style="text-align: right;">24</p> <p>1 <b>SCOTT SHEFFER - HIGHLY CONFIDENTIAL</b>  2 <b>you use the default setting for recording</b>  3 <b>those chats; is that correct?</b>  4 A I use the default setting.  5 However, when I communicate over chat,  6 it's mostly, hey, can you jump into this  7 meeting, or are you going to make it on  8 time to the next meeting, or something  9 like that. So I don't recall talking  10 about business issues via chat. That's  11 something that we do in either a live  12 Hangout or via e-mail or via documents or  13 something like that.  14 <b>Q And when you say "live</b>  15 <b>Hangout," is that text based or</b>  16 <b>audio/video?</b>  17 A The audio/video.  18 <b>Q But the default setting for</b>  19 <b>Gchat, the instant messaging system, is</b>  20 <b>off the record?</b>  21 A I think that is the case,  22 yes.  23 <b>Q Do you access any centralized</b>  24 <b>databases during the course of your</b>  25 <b>day-to-day duties at Google?</b></p>

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<p style="text-align: right;">333</p> <p>1 SCOTT SHEFFER - HIGHLY CONFIDENTIAL</p> <p>2 of apps that they have. And it also,</p> <p>3 frankly, depends upon the labor rate that</p> <p>4 they have.</p> <p>5 So a developer in the US,</p> <p>6 given the cost of labor here, costs more</p> <p>7 for their technical resources than someone</p> <p>8 who is developing in, say, Romania or</p> <p>9 China or Vietnam, something like that.</p> <p>10 So it varies. It would be</p> <p>11 hard for me to put exact number on that.</p> <p>12 <b>Q Could you give a ballpark</b></p> <p>13 <b>estimate for, let's say, US developer?</b></p> <p>14 A Again, I think it depends a</p> <p>15 lot on the size of the developer. It's</p> <p>16 probably on the order of, you know,</p> <p>17 several thousands of dollars, maybe tens</p> <p>18 of thousands of dollars. Depending,</p> <p>19 again, on the number of apps and how</p> <p>20 complex their app monetization environment</p> <p>21 would be, I would imagine.</p> <p>22 <b>Q But enough to make it a</b></p> <p>23 <b>meaningful incentive?</b></p> <p>24 A I mean, meaningful in the</p> <p>25 sense that they cover their cost to do the</p>	<p style="text-align: right;">335</p> <p>1 A C K N O W L E D G E M E N T</p> <p>2 STATE OF _____</p> <p>3 COUNTY OF _____</p> <p>4</p> <p>5 I, the undersigned, hereby</p> <p>6 certify that I have read the transcript</p> <p>7 of my testimony taken under oath in my</p> <p>8 deposition; that the transcript is a true</p> <p>9 and complete and correct record of my</p> <p>10 testimony, and that the answers on the</p> <p>11 record as given by me are true and</p> <p>12 correct.</p> <p>13</p> <p>14 _____</p> <p>15 SCOTT SHEFFER</p> <p>16</p> <p>17 Signed and subscribed to</p> <p>18 before me this _____ day of</p> <p>19 _____, 20__.</p> <p>20</p> <p>21 _____</p> <p>22 Notary Public</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">334</p> <p>1 SCOTT SHEFFER - HIGHLY CONFIDENTIAL</p> <p>2 switch, which at the end of the day, is</p> <p>3 not necessarily a huge incentive. But</p> <p>4 developers think about -- like, their most</p> <p>5 precious resource is development hours.</p> <p>6 And so anything they can do</p> <p>7 to avoid taking very expensive software</p> <p>8 engineers off of creating the game or</p> <p>9 creating the app is for them is a good</p> <p>10 thing.</p> <p>11 MR. CHEOLAS: All right. I</p> <p>12 have nothing further, Mr. Sheffer.</p> <p>13 I really do appreciate your time</p> <p>14 today.</p> <p>15 THE WITNESS: Okay. Thank</p> <p>16 you.</p> <p>17 THE VIDEOGRAPHER: All right.</p> <p>18 And this concludes today's</p> <p>19 deposition.</p> <p>20 Time off the record is</p> <p>21 5:41 p.m. Pacific time.</p> <p>22 (Whereupon Testimony Concluded</p> <p>23 at 5:41 p.m. PDT.)</p> <p>24</p> <p>25</p>	<p style="text-align: right;">336</p> <p>1 I, S. Arielle Santos,</p> <p>2 Certified Shorthand Reporter, Certified</p> <p>3 LiveNote Reporter do hereby certify:</p> <p>4 That prior to being examined, the witness</p> <p>5 named in the forgoing deposition, was by</p> <p>6 me duly sworn to testify the truth, the</p> <p>7 whole truth, and nothing but the truth.</p> <p>8 That said deposition was taken before me</p> <p>9 at the time and place set forth and was</p> <p>10 taken down by me in shorthand and</p> <p>11 thereafter reduced to computerized</p> <p>12 transcription under my direction and</p> <p>13 supervision, and I hereby certify the</p> <p>14 foregoing deposition is a full, true and</p> <p>15 correct transcript of my shorthand notes</p> <p>16 so taken.</p> <p>17 I further certify that I am neither</p> <p>18 counsel for nor related to any party to</p> <p>19 said action nor in anywise interested in</p> <p>20 the outcome thereof.</p> <p>21 </p> <p>22 _____</p> <p>23 S. Arielle Santos, CCR, CLR</p> <p>24</p> <p>25</p>